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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/811,580	03/29/2004	Emily L. Hipp	5760-22802	2084
7590 11/07/2005			EXAMINER	
B. Noel Kivlin			ENG, DAVID Y	
Meyertons, Hoo				
Kowert & Goetzel, P.C.			ART UNIT	PAPER NUMBER
P.O. Box 398			2155	
Austin, TX 78767			DATE MAILED: 11/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	10/811,580	HIPP ET AL.					
Before the Filing of an Appeal Brief	Examiner	Art Unit	<del></del>				
	DAVID Y. ENG	2155					
			<u></u>				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 24 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of							
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or							
(3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the							
following time periods:							
a) The period for reply expiresmonths from the mailing date of the final rejection.							
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no							
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).							
extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have							
peen filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37							
CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any							
earned patent term adjustment. See 37 CFR 1.704(b).							
NOTICE OF APPEAL							
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date							
of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
Since a Notice of Appear has been filed, any reply must to AMENDMENTS	be filed within the time period set it	JIII III 37 CFK 41.37(	a).				
	but prior to the date of filing a brie	f will not be entered	hecause				
3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a)☑ They raise new issues that would require further consideration and/or search (see NOTE below);							
(a) ☐ They raise the issue of new matter (see NOTE below);							
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for							
appeal; and/or							
(d) They present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.116 and 41.33(a)).							
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).							
5. Applicant's reply has overcome the following rejection(s):							
Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).							
7. Tor purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of							
how the new or amended claims would be rejected is provided below or appended.							
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed:							
Claim(s) objected to: Claim(s) rejected:							
Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
8. $\square$ The affidavit or other evidence filed after a final action, b	ut before or on the date of filing a l	Notice of Appeal will r	not be entered				
because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e).	nd sufficient reasons why the affida	vit or other evidence	is necessary				
,	a a Notice of Appeal, but prior to th	e date of filing a brief	will not be				
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a							
showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. 🔲 The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.							
REQUEST FOR RECONSIDERATION/OTHER							
11.   The request for reconsideration has been considered by	ut does NOT place the application	in condition for allowa	ance because:				
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).							
13. Other:							

Continuation of 3. NOTE: The amendment changes scope of the claims that would require further search and consideration. Applicants rely on the amendment for patentability.

DAVID Y. ENG PRIMARY EXAMINER